	Application No.	Applicant(s)
A CONTRACTOR OF THE CONTRACTOR	10/761,117	ZIMMERMANN ET AL.
Notice of Allowability	Examiner	Art Unit
	Dirk Wright	3681
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to		
2. The allowed claim(s) is/are <u>1-18</u> .		
3. X The drawings filed on 20 January 2004 are accepted by the Examiner.		
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). <ul> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have been received.</li> <li>2.  Certified copies of the priority documents have been received in Application No</li> <li>3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* Certified copies not received:</li> </ul> </li> <li>Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</li> <li>5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient</li> </ul>		
<ul> <li>6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. <ul> <li>(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached</li> <li>1) hereto or 2) to Paper No./Mail Date</li> <li>(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date</li> </ul> </li> <li>Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).</li> </ul>		
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
<ul> <li>Attachment(s)</li> <li>1. ☑ Notice of References Cited (PTO-892)</li> <li>2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/O Paper No./Mail Date 01202004</li> <li>4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ul>	6. ☐ Interview Summary Paper No./Mail Dat 98), 7. ☐ Examiner's Amendr	e

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## Claims Allowed

Claims 1-18 are allowable over the prior art of record. The claims are allowed because the prior art does not anticipate nor render obvious the invention of a system including transmission component having a hydraulic transmission link, a transmission controller, an engine controller, the engine and/or transmission controller being controlled by either the engine or transmission controller in response to a detection of a fluid loss or to avoid a hazardous situation from occurring due to a loss of fluid in the hydraulic transmission link.

## Prior Art Discussed

The examiner has considered the references cited by applicant in his Information

Disclosure Statement filed January 20, 2004. Since no translation of these references was provided, only a limited review of their contents was possible, but neither of them appear to show the claimed invention including the detection of a fluid loss and a subsequent correction to either the engine or transmission controller.

The references cited by the examiner are deemed pertinent to applicant's disclosure. Schaefer '912 shows transmission hydraulic control system that is responsive to fluid level, and consequently, fluid loss, but does not show an engine controller. Ahnert '873 and Judy '972 both show vehicle diagnostic controllers but do not show the controllers being responsive to a loss of fluid in a hydraulic transmission link.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 703-308-2160. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Dirk Wright Primary Examiner

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Saturday, January 22, 2005